IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO. 349 OF 2006 (M/S)
(Stay Application No. 4054 of 2006)

Mahander Singh S/o Mamraj
R/o Vill, Jaurasi, Pargana & Teshil
Roorkee District Hardwar. …..Petitioner

Versus

1. Deputy Director of Consolidation, District Haridwar.
2. Settlement Officer Consolidation, Tehsil Roorkee, District Hardwar.
3. Gaon Sabha through its Pradhan Gaon Sabha, Pargana & Tehsil Roorkee, District Hardwar. ….Respondents.

12.04.2006

Sri Manish Arora, Learned Counsel for the petitioner.
Learned Standing Counsel for the respondents.

Hon'ble Rajesh Tandon, J.

Sri Manish Arora, Counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 22.09.2005 & 30.12.2004 passed by the respondent no. 1 & 2 respectively.

According to the case of petitioner, he is in possession for the last 25 years in pursuance to the order dated 01.3.1995 a right has been accrued in his favour. The petitioner has filed the objections under Section 9 A of the Consolidation of Holding Act. The Consolidation Officer has decided the objections on 01.03.1995. however, the appeal filed by the respondent no. 3 under section 11(1) of the Act, was allowed by the respondent no. 2 vide order dated 30.12.2004 by setting aside the order passed by the Consolidation Officer on 01.03.1995. Since the appeaol was decided exparte, the application for restoration has been filed with the prayer that the order dated 30.12.2004 may be set aside and the appeal may be heard on merits, however, the application for restoration was rejected.

Aggrieved by the orders dated 30.12.2004 & 22.03.2005, the petitioner preferred a revision under section 48 of the Act and the same was dismissed vide order dated 22.09.2005.

In the view of the above, the revisional Court is directed to record the evidence of the parties and decide it on merits in accordance with law. In the meantime parties are directed to maintain status quo.

Subject to the aforesaid observations, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

12.04.2006
Jain